

REMARKS

The Examiner rejected Claims 6 and 11 under 35 U.S.C. 103(a) as being unpatentable over Ibbetson in view of Yamada (US 5,693,965). Applicant traverses this rejection.

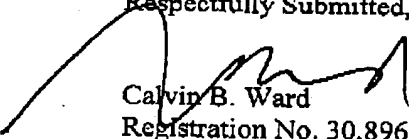
In making this rejection the Examiner admits that Ibbetson does not teach that the active layer is grown at an angle to the substrate. The Examiner looks to Yamada as providing the missing teaching. The Examiner specifically points to layer 302C in Figure 4 of Yamada as being part of the active layer and being at an angle to the underlying planar substrate 301. Hence, according to the Examiner, all of the limitations of Claims 6 and 11 are shown in the combined teachings of the cited references.

Applicant will first address the rejection of Claim 11. Claim 11 requires that the active layer is grown on a surface that is tilted at an angle with respect to said substrate, not that the active layer be tilted with respect to the substrate. The Examiner identifies layer 301 as the substrate and layers 302A, 302B, and 302C as the active layer. None of the layers of the active layer are grown on a surface that is tilted with respect to layer 301. Only the layers that are grown on top of layer 302C are grown on a layer that is tilted with respect to the substrate. Hence, the Examiner has not made a *prima facie* case for obviousness with respect to Claim 11.

The above amendment to Claim 6 makes it clear that the n-p junction must be tilted with respect to the substrate. Applicant submits that the combination of the cited references does not provide any such teaching for the reasons discussed above.

I hereby certify that this paper is being sent by FAX to 703-872-9306.

Respectfully Submitted,


Calvin B. Ward
Registration No. 30,896
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Agilent Technologies, Inc.
Legal Department, M/S DL429
Intellectual Property Administration

P.O. Box 7599
Loveland, CO 80537-0599
Telephone (925) 855-0413
Telefax (925) 855-9214
